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# STATE OF CALIFORNIA COMMISSION ON STATE MANDATES

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## DIRECTOR OF FINANCE: 2013 REPORT ON WORKLOAD LEVELS AND BACKLOG REDUCTION PLAN

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## I. Executive Summary

To avoid duplication of efforts and to increase efficiency, this report combines the statutorily required Report to the Director of the Department of Finance (Finance) with the Commission on State Mandates (Commission) Backlog Reduction Plan. It also reports information on a fiscal year basis (i.e. from July 1-June 30), to enable apples to apples comparisons over the years and eliminate the need to track data in a variety of manners simply for preparation of reports. It is anticipated that having all of the information contained in this report in one place will be more convenient to Finance, the Legislature, the parties, interested parties, and members of the public with an interest in Commission matters.

### A. Statutory Reporting Requirement

The 2013 Budget Act requires the Commission to report to Finance on workload levels and backlog. Specifically, it states:

The Commission on State Mandates shall, on or before September 15, 2013, and annually thereafter, submit to the Director of Finance a report identifying the workload levels and any backlog for the staff of the Commission.<sup>1</sup>

This report satisfies that statutory reporting requirement.

### B. Historic Backlog Reduction Plans

In its September 15, 2010 Report to Finance,<sup>2</sup> the Commission stated that it would prepare a plan to reduce and ultimately eliminate the backlog of test claims and incorrect reduction claims (IRCs). The Backlog Reduction Plan was therefore issued by the Commission on May 11, 2011 and was updated on May 25, 2012. The plan described the nature of the backlog, with tables illustrating the claims before the Commission; the challenges the Commission faces in reducing the backlog; and, Commission staff's plan to reduce and ultimately eliminate the backlog.

This report also includes information on the nature of the backlog, with tables illustrating the claims before the Commission; the challenges the Commission faces in reducing the backlog; and Commission staff's plan to reduce and ultimately eliminate the backlog.

### C. Workload

As of July 1, 2013, the Commission has pending caseload of 26 test claims.<sup>3</sup> There are also currently 4 parameters and guidelines (Ps&Gs) and 12 statewide cost estimates (SCEs) pending, as a result of approved or partially approved test claims. These are the items with statutory deadlines for completion and are prioritized over other items.

Also currently pending are 87 incorrect reduction claims (IRCs), 12 parameters and guidelines amendments (PGAs), and 2 mandate redetermination claims (MRs). Unlike test claims, these matters do not have a statutory deadline for completion, but must be heard within a reasonable amount of time from the date of filing.<sup>4</sup>

For the 2012-2013 fiscal year, the Commission had only 10.5 staff positions. Posing an additional challenge, staff in 3 of those positions, including half of the Commission's attorneys,

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<sup>1</sup> Statutes 2013, chapter 20, (AB 110), Item 8885-001-0001, Provision 2.

<sup>2</sup> 2010 Report to Finance: <http://www.csm.ca.gov/docs/091510b.pdf>.

<sup>3</sup> These numbers include new filings received in the 2012-2013 fiscal year.

<sup>4</sup> *Horner v. Board of Trustees of Excelsior Union High School District of Los Angeles* (1964) 61 Cal.2d 79, 86.

just began work with the Commission in the 2012-13 fiscal year. Nonetheless, the Commission completed 11 test claims, 12 Ps&Gs, 3 PGAs, 42 IRCs, and 8 SCEs in 2012-2013.

Of the Ps&Gs, several were very old, complex, or contained proposed reasonable reimbursement methodologies (RRMs) with enormous records which required substantial legal research and analysis, including analysis of facts in the record. Therefore, some of these Ps&Gs required as much staff time as is normally required for a complex test claim, thus slowing the overall mandate determination process. It is hoped, however, that the additional time and effort spent on these Ps&Gs will reduce the complexity of claiming and auditing reimbursement claims and thus reduce future IRCs, ultimately reducing downstream costs to both state and local government.

#### D. Backlog Reduction Plan

This plan describes several tools Commission staff are employing to expeditiously reduce the backlog. The plan contemplates presenting all test claims filed through 2012-2013, with the exception of the 10 National Pollutant Discharge Elimination System (NPDES) permit test claims, to the Commission for decision by March 2014. Pending the outcome of litigation regarding the NPDES permit test claims, staff believes these remaining 10 test claims could be decided by the Commission within a year. However, the time it will take to complete the NPDES permit claims will depend on the how long it takes the courts to resolve the pending litigation, the courts' interpretation of the state-mandate issue, and its directions to the Commission on any remand of the pending claims being litigated.

Additionally, as part of the test claim process, the caseload of the Commission includes Ps&Gs and SCEs. All currently pending Ps&Gs and SCEs are tentatively set to be heard on or before the Commission's May 2014 hearing. However, as pending test claims are decided and if approved or partially approved, they will result in the addition of pending Ps&Gs and SCEs.

The next priority for the Commission is resolution of the pending PGAs and MRs, as these have a material effect on all eligible claimants and the state. Though these items have no statutory deadline by which they must be heard, they must be heard within a reasonable time from their filing.<sup>5</sup> All of the currently pending 12 PGAs and 2 MRs are tentatively set to be heard on or before the Commission's May 2014 hearing.

Finally, of the 87 pending IRCs, 46 involve just two programs, *Health Fee Elimination* and *Investment Reports*. At the writing of the 2012 report, there were 90 of these particular claims pending (out of 121 total IRCs) - so the number of IRCs for these two programs has been reduced nearly by half in 2012-2013. Commission staff will continue to work closely with the State Controller's Office (SCO) and the claimant community to eliminate the backlog of these IRCs. The remaining IRCs are tentatively scheduled for hearing throughout 2013-2014 and beyond. Because IRCs have no statutory deadline by which to be heard and only affect one local agency, they have the lowest priority for hearing. Nonetheless, they must be heard within a reasonable time. Hearing IRCs with cross-cutting issues first is one way that the Commission is helping to spur informal resolution of these claims between the claimants and the SCO. Based on current pending caseload and staffing levels, Commission staff expects that the IRC backlog may be eliminated during the 2016-2017 fiscal year. Whether elimination of the IRC backlog takes less time or more time than the staff expectation will depend on a variety of factors discussed further in this report.

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<sup>5</sup> *Horner v. Board of Trustees of Excelsior Union High School District of Los Angeles* (1964) 61 Cal.2d 79, 86.

Eliminating the test claim backlog will enable staff resources to be redirected to analyze the remaining IRCs for hearing and will also allow new test claim filings to be immediately set for hearing upon complete filing. This in turn will enable the Commission to come closer to meeting the statutory deadline of 12-18 months for deciding the test claim, Ps&Gs and SCE for a matter.

# COMMISSION ON STATE MANDATES

## 2013 REPORT TO FINANCE AND BACKLOG REDUCTION PLAN

### I. BACKGROUND

#### Commission on State Mandates

Article XIII B, section 6 of the California Constitution requires the state to provide a subvention of funds to reimburse local government for the costs of new programs or increased levels of service mandated by the state. Because the State Board of Control had failed to “adequately and consistently resolve complex legal questions involved in the determination of state-mandated costs” the Legislature created the Commission to succeed the Board of Control in making determinations on whether new statutes or executive orders are state-mandated programs within the meaning of article XIII B, section 6.<sup>6</sup> Specifically, the Commission was established to “relieve unnecessary congestion of the judicial system . . .,” render sound quasi-judicial decisions, and provide an effective means of resolving disputes over the existence of state-mandated local programs.<sup>7</sup>

The Commission’s process provides the sole and exclusive procedure for local agencies and school districts (claimants) to claim reimbursement for costs mandated by the state as required by article XIII B, section 6 of the California Constitution.<sup>8</sup> The Commission is required to hear and decide claims filed by local agencies and school districts that they are entitled to be reimbursed by the state for costs mandated by the state.<sup>9</sup>

State law requires the Commission to adopt procedures to ensure that a statewide cost estimate (SCE) is adopted within 12 to 18 months after receipt of a test claim, when the Commission determines that a reimbursable mandate exists.<sup>10</sup> Prior to adopting an SCE for a mandated program, the Commission must first hear and decide the test claim parameters and guidelines (Ps&Gs), which may include reasonable reimbursement methodologies (RRMs) pursuant to Government Code sections 17557 (RRMs in proposed Ps&Gs or parameters and guidelines amendments (PGAs)) or 17557.1 (joint RRM). The Ps&Gs is the document that specifies the activities that are reimbursable, including the scope of those activities and how reimbursement may be claimed. Without specific understanding of the nature and scope of the reimbursable activities, any cost estimate would be highly speculative. Based on the above, the test claim decision, Ps&Gs, and SCE are required by statute to be adopted within 12 to 18 months of a test claim filing.

For RRM proposed for inclusion in the Ps&Gs pursuant to Government Code sections 17557 and 17518.5, the Commission is required to make additional factual determinations, based on substantial evidence in the record, that the proposed formula or unit cost reasonably reimburses all eligible claimants’ actual costs mandated by the state. The proposed RRM must be based on cost information from a representative sample of eligible claimants, information provided by associations of local agencies and school districts, or other projections of local costs; and shall

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<sup>6</sup> Government Code section 17500.

<sup>7</sup> *Id.*

<sup>8</sup> Government Code section 17552.

<sup>9</sup> Government Code section 17551.

<sup>10</sup> Government Code section 17553.

consider the variation in costs among local agencies and school districts to implement the mandate in a cost-efficient manner. If these findings are made and an RRM is adopted by the Commission in the Ps&Gs, then the claiming is based on the adopted formula or unit cost, in lieu of requiring detailed documentation of actual costs incurred.

The adoption of an RRM pursuant to Government Code sections 17557 or 17518.5 streamlines the claiming process and reduces or eliminates auditing issues on reimbursement claims filed with the State Controller's Office (SCO) and was proposed by the Legislative Analyst's Office (LAO) for that reason. However, the process of adopting an RRM pursuant to Government Code 17557 increases the responsibility of the Commission when adopting or amending Ps&Gs, by requiring the additional factual finding that the proposal reasonably reimburses all eligible claimants' actual costs mandated by the state as required by article XIII B, section 6 of the California Constitution. Analyzing such proposals requires significant staff time, in some instances more time than was required for the underlying test claim analysis. In 2012-2013, though, the Commission has adopted two Ps&Gs including RRMs and has denied the inclusion of RRMs in two Ps&Gs based on a lack of evidence. There are currently eight proposals pending before the Commission to amend Ps&Gs to add RRMs for reimbursement of state-mandated programs pursuant to Government Code section 17557.

To date, only one joint RRM, and one extension of that joint RRM under Government Code sections 17557.1 and 17557.2, has ever been approved. The joint RRM process allows the test claimant and the Department of Finance, with broad support from a wide range of local agencies and school districts, to notify the Commission of its intent to develop an RRM and SCE for the initial claiming period and budget year for reimbursement of costs mandated by the state. Notification of the parties' intent to proceed under the joint RRM process is required to be made to the Commission within 30 days of the adoption of the statement of decision on a test claim.

In addition to the mandate determination process described above, the Commission is also required to hear and decide other claims that affect the workload of the Commission. These include: 1) incorrect reduction claims (IRCs) filed by local agencies and school districts alleging that the SCO has incorrectly reduced reimbursements; 2) proposed amendments to previously adopted Ps&Gs (PGAs); 3) review of the SCO's claiming instructions; and 4) mandate redeterminations (MRs). There is no statutory timeframe for completing IRCs, PGAs, review of claiming instructions, or MRs. However, an administrative agency is required to hold a hearing within a reasonable time when the statutes governing the process do not fix a time limit to conduct the hearing.<sup>11</sup> The ability of the Commission to hear and decide these matters within a reasonable timeframe is affected by the number of pending matters in the initial mandate determination process.

## **II. COMMISSION WORKLOAD CONSIDERATIONS**

### **A. Workload Completed in 2012-2013**

In fiscal year 2012-2013, 11 test claims, 12 Ps&Gs, 3 PGAs, 8 SCEs and 42 IRCs were completed. Overall, this is about the same level of productivity as in 2011-2012. Though fewer test claims were completed this year than last, more Ps&Gs were completed and many of them were old, complex, or included RRMs with enormous records.

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<sup>11</sup> *Horner v. Board of Trustees of Excelsior Union High School District of Los Angeles* (1964) 61 Cal.2d 79, 86.

## **B. Position Authority**

Like many state agencies, during the ongoing budget crisis, Commission staffing levels decreased from 2001-2002 forward. This was a significant contributor to the Commission's backlog. In the 2001-2002 to 2003-2004 budget years, Commission staff was drastically reduced from a high of 17 positions to a low of 9.7 positions as a result of the energy crisis and budget crisis that followed. Around the same time, in 2002, AB 3000 imposed a statute of limitation for filing a test claim and provided a grandfather clause, allowing the filing of claims on statutes, regulations and executive orders dating back to 1975 until September 30, 2003. Thus, a great number of large and complex test claims were filed without sufficient staff to analyze them resulting in a significant backlog of claims. In 2006, the Legislature provided the Commission with three limited-term positions to eliminate the backlog. Since those positions were very difficult to fill, they were made permanent in 2007. However, in 2008 and 2009, two positions were eliminated. Finally, for most of the time since 2008, Commission staff, like most state employees, has been subject to various furlough and personal leave programs. This has effectively reduced staff hours by an additional five to fifteen percent over the past five years.<sup>12</sup>

According to the Bureau of State Audits (BSA): "despite the State's budget issues, cutting staff who determine state mandates has been shortsighted. Specifically, such actions over the last few years have contributed to delays related to stalled test claims that allow the buildup of millions of dollars of potential claims that the State is constitutionally required to reimburse."<sup>13</sup>

Based on these facts, the Commission submitted a budget change proposal for 2013-14, which was approved for two new positions: an attorney III and a senior legal analyst. Funding for these positions was included in the 2013-14 Budget Act and the positions will be filled by the end of July 2013. In addition, the PLP program has ended effective June 30, 2013. Based on these changes, Commission staff is optimistic about eliminating the backlog and moving towards timely resolution of any new claims filed.

As of July 1, 2013, the Commission has 12.5 positions: one executive director (exempt), one chief legal counsel (CEA IV), one assistant executive director (SSM II), three attorney IIIs, one attorney I, one senior information systems analyst, one senior legal analyst, two and a half associate governmental program analysts, and one office technician. Table A. shows completed workload and position authority for the past 5 fiscal years.

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<sup>12</sup> Note that Bargaining Unit 2 (attorneys) were furloughed for three days per month for about five months longer than most other employees. The attorneys perform all of the test claim analyses and most of the analyses of Ps&Gs and IRCs. For most months since the furloughs, all employees have been subject to a one day per month paid leave program.

<sup>13</sup> California State Auditor Report 2009-501, p. 22.



**Table A. Commission Decision Making and Position Authority 2008-2009 to 2012-2013<sup>14</sup>**

<b>Matters Completed</b>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Test Claims	18	18	11	14 <sup>15</sup>	11
Parameters and Guidelines and Amendments	11	62 <sup>16</sup>	8	16	15 <sup>17</sup>
Requests for Reconsideration	0	0	0	0	.5 <sup>18</sup>
Statewide Cost Estimates	11	5	6	6	8
Requests to Review Claiming Instructions	1	0	0	1	0
Incorrect Reduction Claims	0	1	15	35	42
<b>Positions</b>	12.0 <sup>19</sup>	11.0	10.5 <sup>20</sup>	10.5 <sup>21</sup>	10.5 <sup>22</sup>

<sup>14</sup> This table does not reflect work completed for litigation, regulations, and special projects.

<sup>15</sup> The 2011-2012 report erroneously stated that 16 test claims were heard. This was a result of double counting two postponed claims which appeared on two Commission agendas.

<sup>16</sup> This figure includes boilerplate language amendments to approximately 50 Ps&Gs that were batched for Commission decision.

<sup>17</sup> Four of these included proposed RRM's.

<sup>18</sup> There was one request for reconsideration filed in 2012-2013. Such requests require two hearings. The first hearing was held in May 2013 and the second will be in July 2013.

<sup>19</sup> Includes one staff counsel position left vacant during fiscal year 2008-2009 to comply with Governor's Executive Order S-01-08. This position was eliminated in the 2009-2010 Budget.

<sup>20</sup> During most of the 2010-2011 fiscal year Commission staff was furloughed three days per month, resulting in an effective 15% reduction in staff hours for that year.

<sup>21</sup> For nearly five months of the 2011-2012 fiscal year, the assistant executive director served as interim executive director and the executive director position was vacant. In addition, one of the attorney III positions was vacant for nearly three months because it was vacated by the current executive director. All staff was furloughed or on the personal leave program for the fiscal year.

<sup>22</sup> As discussed above, three positions were filled with new staff and all staff received one day of personal leave per month for 2012-13, resulting in a 5% reduction of staff hours.

### C. Pending Caseload

The Commission's caseload consists of: test claims; Ps&Gs and PGAs, which may include a RRM pursuant to Government Code sections 17557 or 17557.1; SCEs; IRCs; MRs and, requests to review claiming instructions. Caseload may also consist of regulatory actions, litigation, inquiries from state agencies, and joint proposals for an RRM.

**Table B. Pending Caseload as of July 1, 2013**

Type of Action	Number Pending
Test Claims <sup>23</sup>	26
Requests for Reconsideration	.5 <sup>24</sup>
Incorrect Reduction Claims <sup>25</sup>	87
Proposed Parameters and Guidelines <sup>26</sup>	4
Proposed Parameters and Guidelines Amendments <sup>27</sup>	12
Statewide Cost Estimates <sup>28</sup>	12
Requests for Mandate Redetermination <sup>29</sup>	2
New Test Claim Filings to be Reviewed	1
Litigation Matters Pending	3
Responding to inquires from the BSA and other state agencies	Ongoing <sup>30</sup>

#### Test Claims

The Commission's test claim caseload is backlogged. There are 26 test claims pending completion. Table C. shows the pending test claim filings by fiscal year and claimant type.

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<sup>23</sup> 6 test claims filed by school districts and 20 filed by local agencies. See Exhibit A.

<sup>24</sup> There was one request for reconsideration filed in 2012-2013. Such requests require two hearings. The first hearing was held in May 2013 and the second will be in July 2013.

<sup>25</sup> See Exhibit D.

<sup>26</sup> See Exhibit B.

<sup>27</sup> See Exhibit E.

<sup>28</sup> See Exhibit C.

<sup>29</sup> See Exhibit F.

<sup>30</sup> The Commission regularly responds to inquires from the LAO regarding mandates. Now that the Commission has obtained additional staff, it is hoped that BSA will remove the Commission from its annual report on "Recommendations Not Fully Implemented After One Year".

**Table C. Pending Test Claims  
By Fiscal Year of Filing and Claimant Type**

<b>Filing Date by Fiscal Year</b>	<b>Total Claims Filed<sup>31</sup></b>	<b>Pending School District Test Claims (K-14)</b>	<b>Pending Local Agency Test Claims</b>	<b>Total Pending Test Claims</b>
2005-2006	6	2	1	3
2006-2007	2	0	0	0
2007-2008	12	0	2	2
2008-2009	6	1	2	3
2009-2010	3	0	2	2*
2010-2011	12	2	10	12*
2011-2012	3	1	2	3*
2012-2013	2 <sup>32</sup>	0	1	1
<b>Totals</b>	<b>46</b>	<b>6</b>	<b>20</b>	<b>26</b>

\* Ten of the pending test claims filed between 2009 and 2012 are claims regarding stormwater National Pollutant Discharge Elimination System (NPDES) permits, some of which have been placed on inactive status by request of the claimants until pending litigation is complete. Those which have not been placed on inactive status or otherwise postponed by the parties will be taken up after all of the pre-2009 test claims, Ps&Gs, and SCEs are completed.

Parameters and Guidelines

Currently, there are four pending Ps&Gs. Though the backlog of Ps&Gs is small compared to test claims and IRCs, it is important to note because a SCE cannot be completed until after the Ps&Gs are adopted. As noted above, there is a statutory requirement to adopt a SCE within 12 to 18 months of a test claim filing. For that reason, Ps&Gs are high priority for the Commission. Generally, the most common reasons for delay of these items include litigation relating to the test claim decision, disputes regarding the activities claimed to be reasonably necessary to comply with the mandate, pending agreements between the parties on a RRM, or pending requests by one of the parties to include an RRM in the Ps&Gs. Table D shows the pending Ps&Gs.

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<sup>31</sup> All test claims filed prior to 2005-2006 are complete; however, there are still outstanding Ps&Gs and SCEs pending for some of those test claims.

<sup>32</sup> One of these test claims is currently in the completeness review process so not “pending” yet.

**Table D. Pending Parameters and Guidelines  
By Fiscal Year of Filing and Claimant Type**

<b>Fiscal Year Test Claim Decision Was Adopted</b>	<b>Pending School District Ps&amp;Gs (K-14)</b>	<b>Pending Local Agency Ps&amp;Gs</b>	<b>Total Pending Ps&amp;Gs</b>
2007-2008	0	1	1
2009-2010	0	1	1
2011-2012	0	1	1
2012-2013	1	0	1
<b>Totals</b>	<b>1</b>	<b>3</b>	<b>4</b>

Statewide Cost Estimates

Existing law requires the Commission to adopt a SCE within 12 to 18 months of a test claim filing, when the Commission determines that a state mandate exists. The SCE may be developed using initial reimbursement claims data filed with the Controller or other methodology based on recommendations from the test claimant, Finance or other interested parties. Generally, the Commission’s practice is to use the actual reimbursement claims filed by the claimants to develop the SCE. The SCO develops claiming instructions within 90 days after the adoption of Ps&Gs. Claimants have 120 days from the release of the claiming instructions to file claims for the initial period of reimbursement. However, if reimbursement is based on a uniform cost, it may be possible to prepare the SCE before reimbursement claims have been filed since costs can be more accurately predicted. Commission staff typically sets SCEs for the first hearing after the claims data is received from the Controller. Pursuant to the timelines discussed above, this is typically 7 to 9 months after the adoption of Ps&Gs. Table E shows the current SCE caseload pending before the Commission.

**Table E. Pending Statewide Cost Estimates  
By Fiscal Year and Claimant Type**

<b>Fiscal Year Parameters and Guidelines Adopted</b>	<b>Pending School District (K-14) SCEs</b>	<b>Pending Local Agency SCEs</b>	<b>Total Pending SCEs</b>
2010-2011	0	1 <sup>33</sup>	1
2012-2013	7	4	11
<b>Totals</b>	<b>7</b>	<b>5</b>	<b>12</b>

Incorrect Reduction Claims (IRCs)

The IRC caseload is also backlogged. There are currently 87 IRCs pending before the Commission that allege a total of \$94,124,285 in incorrect reductions to mandate reimbursement claims. Table F. shows the pending IRC caseload by fiscal year and claimant type.

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<sup>33</sup> Pending Court Action – Municipal Storm Water and Urban Runoff Discharges, 03-TC-04, 19, 20, and 21.

**Table F. Pending Incorrect Reduction Claims  
By Fiscal Year of Filing and Claimant Type**

<b>Filing Date by Fiscal Year</b>	<b>Total New Filings<sup>34</sup></b>	<b>Pending School District Claims</b>	<b>Pending Local Agency Claims</b>	<b>Total Pending Claims by Fiscal Year</b>
2002-2003	74	0	19	19
2003-2004	7	0	0	0
2004-2005	5	2	1	3
2005-2006	30	19	1	20
2006-2007	2	1	0	1
2007-2008	28	5	3	8
2008-2009	9	7	1	8
2009-2010	17	6	1	7
2010-2011	13	11	2	13
2011-2012	3	1	2	3
2012-2013	5	0	5	5
<b>Totals</b>	<b>193</b>	<b>52</b>	<b>35</b>	<b>87</b>

IRCs are filed with the Commission based on actions taken by the SCO. Unlike test claims, where one claimant represents all potential claimants statewide, individual claimants file IRCs with the Commission on individual reimbursement claims filed by the claimant.<sup>35</sup> Though the Commission may combine IRCs on the same program and similar issues for purposes of analysis, oftentimes IRCs do not lend themselves to consolidation because issues unique to each claim must be addressed.

The process for resolving IRCs can be complex, and differs with each claim. For some claims, once the claimant files an IRC, an informal conference is conducted where Commission staff mediates the issues in dispute between the claimant and the SCO. If the issues are resolved in the informal conference, the IRC is settled. When the issues cannot be resolved, attorney and analytical staff prepare a detailed analysis of the legal and fiscal issues, the Commission approves or denies the IRC, and a statement of decision is prepared. Whether or not the issues are resolved at the informal conference, staff must spend time to prepare and review the record (including the original test claim record, parameters and guidelines, and claiming instructions) review detailed reimbursement claims, and determine the legal and audit issues. This process can be lengthy, particularly in cases where numerous IRCs are filed on one program. For example, for the *Graduation Requirements* program, the Commission adopted separate statements of decision on 11 IRCs in 12 months.

There are currently IRCs filed on 21 state-mandated programs. Table G. shows the programs listed by type of claimant and the dollar amounts per program.

<sup>34</sup> All incorrect reduction claims filed prior to 2002-2003 are complete.

<sup>35</sup> California has 58 counties so county claims are limited to 58 potential IRCs per program, per year. However, mandates involving cities, school districts, and special districts create thousands of potential IRCs.

**Table G. Pending IRCs and Amount of Alleged Reductions by Program**

	<b>Program</b>	<b>Number of IRCs Filed</b>	<b>Reduction Amount</b>
		<b>Local Agency Claims</b>	
1.	<i>Absentee Ballots</i>	1	\$19,284
2.	<i>Animal Adoption</i>	1	\$1,339,152
3.	<i>Child Abduction and Recovery</i>	2	\$1,564,942
4.	<i>Domestic Violence Treatment Services</i>	1	\$748,675
5.	<i>Firefighters' Cancer Presumption</i>	1	\$516,132
6.	<i>Handicapped and Disabled Students</i>	1	\$3,232,423
7.	<i>Handicapped and Disabled Students II</i>	1	\$448,202
8.	<i>Investment Reports</i>	19	\$675,738
9.	<i>Open Meetings Act</i>	1	\$4,653,917
10.	<i>Peace Officers Bill of Rights</i>	2	\$29,968,698
11.	<i>Seriously Emotionally Disturbed Pupils (SEDS): Out-of-State Mental Health Services</i>	4	\$14,437,306
12.	<i>Sexually Violent Predators</i>	1	\$203,363
	<b>Subtotal</b>	<b>35</b>	<b>\$57,807,832</b>
		<b>School District Claims</b>	
13.	<i>Emergency Procedures, Earthquake &amp; Disasters</i>	2	\$1,941,572
14.	<i>Graduation Requirements</i>	2	\$8,053,465
15.	<i>National Norm-Referenced Achievement Test (NNRAT)</i>	1	\$160,120
16.	<i>Notification of Truancy</i>	10	\$3,246,985
17.	<i>Notification to Teachers: Pupils Subject to Suspension or Expulsion</i>	1	\$354,046
18.	<i>School District of Choice: Transfer and Appeals</i>	1	\$25,081
	<b>Subtotal</b>	<b>17</b>	<b>\$13,781,269</b>
		<b>Community College District Claims</b>	
19.	<i>Collective Bargaining</i>	7	\$2,119,937
20.	<i>Health Fee Elimination</i>	27	\$20,405,243
21.	<i>Mandate Reimbursement Process</i>	1	\$10,004
	<b>Subtotal</b>	<b>35</b>	<b>\$22,535,184</b>
	<b>TOTAL</b>	<b>87</b>	<b>\$94,124,285</b>

## Parameters and Guidelines Amendments (PGAs)

Currently, there are 12 PGAs pending, including 8 PGAs that include a proposed RRM. Like IRCs, there is no statutory deadline for completing PGAs, but PGAs are generally prioritized over IRCs because, like test claims, they may affect all eligible claimants as well as the state. As with all matters pending before the Commission, PGAs must be heard within a reasonable time.

**Table H. Pending Parameters and Guidelines Amendments  
By Fiscal Year of Filing and Claimant Type**

<b>Fiscal Year PGA Was Filed</b>	<b>Pending School District PGAs (K-14)</b>	<b>Pending Local Agency PGAs</b>	<b>Pending State Controller PGAs</b>	<b>Pending Department of Finance PGAs</b>	<b>Total Pending PGAs</b>
2001-2002	1	0	0	0	1
2008-2009	1	0	0	0	1
2009-2010	1	0	0	0	1
2010-2011	0	2	0	0	2
2011-2012	0	3	1	1	5
2012-2013	0	0	1	1	2
<b>Totals</b>	<b>3</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>12</b>

### **III. Challenges to Reducing the Backlog**

As of July 1, 2013, the Commission has 26 test claims and 87 IRCs pending.<sup>36</sup> Additionally, the current caseload of the Commission includes the preparation of SCEs, Ps&Gs and amendments thereto (PGAs) and mandate redeterminations (MRs). Though the backlog on these items is much smaller than for test claims and IRCs, they are included in the plan to provide a fuller understanding of the Commission's caseload and priorities. The Commission faces a wide range of challenges and factors that may delay completion of the caseload, as discussed below.

#### **A. Multiple Statutory Requirements**

The Commission is charged by law with multiple responsibilities in addition to hearing test claims and IRCs. Government Code section 17500 et seq. also requires the Commission to adopt Ps&Gs, hear requests to amend Ps&Gs, prepare SCEs, hear requests to review the Controller's claiming instructions, hear mandate redetermination requests, and review county applications for a finding of severe financial distress. Each matter must proceed in accordance with the due process procedures outlined in the Government Code and the Commission's regulations, which allow for party and interested party participation.

In 2010, SB 856 was enacted which established a new mandate redetermination (MR) process to allow mandates to undergo revision when appropriate. So far, two MRs have been filed with the Commission.

While the Commission has not received a county application for a finding of significant financial distress since 2005, state law is clear that when these applications are filed, the county is entitled to a final decision by the Commission within 90 days. If the Commission receives an

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<sup>36</sup> These numbers include new filings received in the 2012-2013 fiscal year.

application, substantial staff resources will need to be shifted to conduct the required investigation, hearing, and determination.

Parties are authorized to request the continuance of the filing of comments or postponement of an item set for hearing. Under specified conditions, when good cause is shown, the executive director is required to grant the request. The Commission frequently receives requests for continuances that may result in items on the proposed calendar being postponed.

The Commission also periodically amends its regulations. In 2011, Commission staff completed two sets of amendments to the Commission's regulations, and is drafting a third set of regulatory amendments in the 2013-2014 fiscal year to clarify the mandates process.

## **B. Litigation**

The Commission is also involved in three significant litigation matters. Commission staff is involved in two litigation matters that address NPDES permits issued by the Regional Water Quality Control Boards under the Porter-Cologne Act with complaints and cross-complaints filed by the state and the local agencies subject to the permits. These cases present many issues of first impression relating to whether a state-mandated program exists and whether local agencies can collect fees for the services provided. While Commission staff is not briefing these matters, staff is actively monitoring the cases and answering questions from the court and the parties.

In addition, another matter has been filed, which has required, and will continue to require the commitment of substantial staff time. This last case involves a challenge from the California School Boards' Association, challenging the entire mandates process with respect to K-12 school districts and county offices of education, the process governing the redetermination of prior test claim decisions, and the budget trailer bills that affect the reimbursement for mandated programs imposed on school districts. The complaint in this matter was originally filed in 2011 and has been amended annually based on the budget bill and trailer bill provisions affecting the state mandated programs for school districts.

## **C. Number and Complexity of Filings**

As previously noted, the most labor-intensive activity for Commission staff is preparing staff analyses for test claims and IRCs.

### *1. Test Claims*

Prior to 2002, test claim filings averaged approximately 24 per year. In 2002, AB 3000 was passed which imposed a statute of limitations for the filing of test claims. Specifically, it allowed the filing of test claims going back three years from the effective date of the statute or executive order,<sup>37</sup> and provided a one-year grandfather clause (to September 30, 2003) to file test claims on statutes and executive orders going back to 1975, resulting in 51 new test claims filed in fiscal year 2002-03 and 23 test claims filed in 2003-2004. However, test claim filings have decreased. It may be that the reason for this is the short statute of limitations (now twelve months from the effective date of the statute or executive order or from first incurring costs), or it may be attributable to frustration at the time and effort required to process a test claim, or because the Legislature rarely enacts mandates anymore due to budgetary constraints.

Nonetheless, the NPDES permit claims may significantly impact workload. The time that these claims will require depends on the courts' interpretation of the state-mandate issue and its direction to the Commission on any remand of the pending claims being litigated. In one of the cases, the trial court found that the Commission needs to make a factual determination of

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<sup>37</sup> Note that the definition of executive order includes regulations.



whether the permit requirements exceed the federal maximum extent practicable (MEP) standard. If the trial court's ruling is upheld, the factual determinations will require the analysis of substantial evidence in the record in accordance with Government Code section 17559, and will have significant implications for Commission caseload.

Finally, test claims are often thought to be filed on one individual statute. This is not correct. Test claims can be filed on numerous statutes, regulations, and executive orders. For example, the 51 test claims filed in 2002 allege that nearly 500 statutes, and 400 regulatory sections and executive orders are mandated programs. By law, each statute, regulation, and executive order pled requires a finding by the Commission.

## *2. Reasonable Reimbursement Methodologies and Parameters and Guidelines*

A request to include a reasonable reimbursement methodology (RRM) in parameters and guidelines (Ps&Gs) is a request made by a local entity claimant, an interested party, Finance, the Controller, or an affected state agency, pursuant to Government Code section 17557 and 17518.5. Under this proceeding, the Commission is required to make additional factual determinations, based on substantial evidence in the record, that the proposed formula or unit cost fairly represents the costs mandated by the state for all eligible claimants in the state. The proposed RRM must be based on cost information from a representative sample of eligible claimants, information provided by associations of local agencies and school districts, or other projections of local costs; and shall consider the variation in costs among local agencies and school districts to implement the mandate in a cost-efficient manner. If these findings are made and an RRM is adopted by the Commission in the Ps&Gs, then the claiming is based on the adopted formula or unit cost, in lieu of requiring detailed documentation of actual costs incurred.

The adoption of an RRM pursuant to Government Code sections 17557 or 17518.1 streamlines the claiming process and reduces or eliminates auditing issues on reimbursement claims filed with the Controller and was proposed by the LAO for that reason. However, the process increases the responsibility of the Commission when adopting or amending Ps&Gs, by requiring the additional factual finding that the proposal reasonably represents the mandated costs incurred by all eligible claimants in the state pursuant to article XIII B, section 6 of the California Constitution. Analyzing such proposals requires significant staff time, in some instances longer than the time required for a test claim analysis. There are currently eight proposed RRMs in PGAs pending before the Commission. In 2012-2013, the Commission has adopted two Ps&Gs including RRMs and has denied the inclusion of RRMs in two Ps&Gs based on a lack of evidence.

## *2. Incorrect Reduction Claims*

Unlike test claims, where one claimant represents all potential claimants statewide in a manner analogous to a class action lawsuit, individual claimants file incorrect reduction claims (IRCs) with the Commission and seek redress for reductions that apply only to that one claimant.<sup>38</sup> The process for resolving IRCs can be complex and differs with each claim. Most IRCs involve issues of law and fact. Thus, analysis of each IRC requires legal and fiscal consideration, as well as a technical review of the Controller's audit. For some claims, once the claimant files an IRC, an informal conference is conducted where Commission staff mediates the issues in dispute

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<sup>38</sup> California has 58 counties, so county claims are limited to 58 potential IRCs per test claim. Mandates involving cities or school districts, however, create the potential for over 1,600 IRCs per test claim.

between the claimant and the Controller. If the issues are resolved in the informal conference, the IRC may be settled.

When the issues cannot be resolved, Commission staff prepares a detailed analysis of the legal and audit issues. The Commission approves or denies the IRC, and a statement of decision is prepared. Whether or not the issues are resolved at the informal conference, Commission staff must spend time to prepare and review the record (including the original test claim record, Ps&Gs, and claiming instructions), review detailed reimbursement claims, and determine the legal and fiscal issues. This process can be lengthy, particularly in cases where numerous IRCs are filed on one program.

The Controller is authorized, by desk review or field audit, to reduce reimbursement claims that it deems to be excessive or unreasonable. The claimant is then authorized to appeal any reduction by filing an IRC with the Commission. Since May 1, 2008, the Controller issued over 250 audit reports on 39 mandated programs. Commission staff has been informed by claimant representatives that, in response to recent SCO audits, it is anticipated that numerous IRCs will be filed in the near future.

#### **D. Number and Level of Positions**

The Commission's position authority had decreased by nearly half over the past decade. The continual decrease in position authority, compounded by recent furlough and other leave programs are major factors that have caused or exacerbated the backlog in the Commission's caseload. The number of test claims completed is based on the number of positions and staff hours we have for a particular fiscal year and on the level of those positions. However, with the two new positions beginning and the personal leave program ending in July 2013, the Commission is now in a better position to expeditiously resolve the backlogged matters and newly filed matters.

#### **E. Delays Caused by Litigation and Requests for Extensions or Postponements**

Commission decisions on test claims are sometimes litigated. When that occurs, Commission proceedings on Ps&Gs and SCEs are stayed. This can result in a delay of several years. An extreme example of this was in *Behavioral Intervention Plans (BIPs)* (CSM 4464) where there were 27 extension requests granted while the Ps&Gs were pending, followed by seven years of litigation resulting in a nearly 13 year delay in the adoption of Ps&Gs. Though this matter was an outlier, other claims are also delayed because of extensions, postponements and litigation.

Additionally, handling litigation on one matter draws staff time away from other pending matters. Furthermore, the parties and interested parties often request numerous extensions of time to comment and postponements of hearings on items. The handling of these requests also takes staff time away from the processing of other matters before the Commission.

Moreover, hearing postponements, by definition, delay the completion of matters before the Commission. Currently, there is no limit to the number of extensions and postponements that may be requested by the parties. For some claims, more than 10 requests for 60 day extensions and postponements have been requested and granted. For every six requests granted, a year or more is added to the time to complete the claim.

#### **F. Other Pending Work Contributes to the Test Claim Backlog**

Litigation, Ps&Gs and PGAs that include complex RRM requests pursuant to 17557, IRCs, and past requests to reconsider existing test claims, have all contributed to the delay in eliminating the test claim backlog. In particular, the RRM process was not considered when the statutory 12 to 18 month timeline for completing the test claim process through the adoption of the SCE was established. RRM requests require significant additional staff time for the Ps&Gs and PGAs adoption

process. Additionally, mandate redetermination requests have been and will likely continue to be filed and they require a two-hearing process which requires practically double the necessary staff work than is required to complete a test claim.

### **G. Unique Issues Related to the IRC Backlog**

The filing of an IRC is an appeal of a SCO decision. The SCO is authorized, by desk review or field audit, to reduce reimbursement claims that it deems excessive or unreasonable. The claimant is then authorized to appeal any reduction by filing an IRC with the Commission. Seventy-two IRCs were filed on the *Investment Reports* program. These reductions, along with many of the reductions to other programs, were based on desk reviews of claims. In fiscal year 2011-2012, 12 IRCs on the *Investment Reports* program were resolved and in 2012-2013, 38 more were resolved. Commission staff has worked with SCO staff and claimant representatives to develop a work plan to address the remaining *Investment Reports* claims.

The same factors that contribute to the test claim backlog also contribute to the IRC backlog, including the number of filings, number and level of positions, number of Commission meetings, and other pending work. Additionally, unlike other pending matters including test claims, Ps&Gs and SCEs, there is no statutory deadline for completing IRCs. Therefore, IRCs have lower priority when setting matters for hearing, though the Commission makes every effort to hear all matters filed within a reasonable time.

### **H. Number of Commission Meetings**

The Commission is required by statute to conduct at least six public meetings per year, and tentatively schedules two additional meetings each year. Preparation for each Commission meeting consumes a significant amount of staff time, regardless of the number of items set for hearing. Though it may seem counterintuitive, the more meetings the Commission holds, the fewer items it can complete for hearing. This is attributable to timing of the release of drafts for public comment, the requirement to provide service and public notice on all matters, and the time required to prepare hearing materials for Commission members and the public.

All of the challenges described above could impact staff's ability to complete the backlog within the planned timeline.

## **IV. Backlog Reduction Strategy**

The Commission has had a long-standing practice of prioritizing test claims, Pg&Gs and SCE because of the statutory deadline attached to those matters and generally hearing matters in the order filed with the Commission. This first-in-time approach is a core policy that has served the Commission well. Over the years, however, the Commission has made exceptions to this policy in certain circumstances. For example, when a court has ruled on a matter before the Commission, the Commission has consistently responded by moving that matter ahead in the queue whether or not the courts have ordered the Commission to do so.

The Commission has also taken matters out of order for staff development purposes. Commission management has also, on occasion, assigned less-complicated matters out of order to a staff person who has just completed a particularly difficult assignment. This increases the opportunities for staff to gain experience in a wide variety of legal matters and prevents staff burnout.

The Commission remains committed to continuing to eliminate the backlog by adhering to the first-in-time policy, unless circumstances justify an exception. The following are strategies the Commission is employing to more efficiently decide matters, with a goal of eliminating the backlog as soon as possible: (1) claim consolidation; (2) common issues; (3) simple test claims and single-issue IRCs; (4) stakeholder requests; and (5) joint RRM.

## **A. Claim Consolidation**

Pursuant to California Code of Regulations, title 2, section 1183.06, the executive director may, subject to appeal, “consolidate part or all of any test claim, if necessary to ensure the complete, fair, or timely consideration of any test claim.” Similarly, Government Code section 17558.8 and section 1185.2 of the Commission’s regulations allow the executive director to consolidate IRCs. To date, the Commission has consolidated numerous test claims. However, consolidation has been used sparingly for IRCs because it only works if the issues of law and fact are the same, the claimants filed their reimbursement claims in the same manner and for the same costs, and the SCO auditors were consistent in making claim reductions based on similar documentation. Commission staff is working closely with SCO staff and the claimant community to identify situations where claims may be consolidated.

It may be appropriate to consolidate test claims and IRCs filed by different claimants so that one analysis and statement of decision adopted by the Commission can support multiple claims. This is a very efficient way to complete multiple claims. Staff is working with the SCO and members of the claimant community to identify issues that are common to multiple IRCs. If the Commission decides an issue in one matter that is contested in other matters, the time required to complete those other matters will be greatly reduced. For example, in 2010, the Commission adopted decisions on the County of Los Angeles and the City of Tustin *Investment Reports* IRCs. In doing so, the Commission resolved certain issues that are common to nearly all of these IRCs. Of the 87 pending IRCs, 19 are filed on this program. It appears that many of the other issues in the remaining *Investment Reports* IRCs may be resolved informally through negotiations with claimants and SCO staff. Commission staff has been working with SCO staff and representatives of the claimants who have filed IRCs for the *Investment Reports* program to try to resolve as many of these IRCs as possible. In fiscal year 2012-2013, thirty-eight *Investment Reports* IRCs have been settled and withdrawn.

## **B. Stakeholder Requests**

Commission staff occasionally receives requests from individual claimants to expedite certain matters. Naturally, all claimants would like their claims decided as quickly as possible. Though generally such requests are disfavored in the interest of fairness to other claimants, on occasion certain matters may be expedited, particularly where consolidation with an earlier filed claim is appropriate or where the request has broad support or because of the importance of the speedy resolution of a particular matter to both state and local agencies.

## **C. Joint Reasonable Reimbursement Methodologies (Joint RRM)s**

A joint RRM and statewide estimate of cost (SEC, not to be confused with an SCE) is based on a settlement agreement between Finance and the local entities pursuant to Government Code section 17557.1 and 17557.2. The RRM and SEC remain in effect for five years, unless another term is provided in the agreement or the agreement is jointly terminated by the parties. The Commission can approve a joint RRM and proposed SEC simply with a showing that an agreement between Finance and a local entity has been reached, and that the joint methodology is broadly supported by a wide range of local agencies or school districts. If more joint RRM and state are negotiated by the parties, as was recommended in the 2009 BSA Report and by others, the agreements may result in less work required of Commission staff and would likely reduce auditing issues on reimbursement claims since the claim does not need to be supported with documentation of actual costs incurred. To date, the Commission has adopted only one joint RRM and SEC, which took approximately three years for the parties to negotiate. The joint RRM and SEC were in effect for three fiscal years before the program was suspended by the Legislature. That joint RRM was recently jointly extended through 2015. Currently, there are no pending joint RRM.

## **V. Plan of Action**

Despite the uncertainty caused by the many factors discussed in this report, only some of which are within the Commission's control, Commission staff believes that the following updated plan to reduce the backlog can be achieved.

### **A. With the Exception of the Stormwater NPDES Claims, Complete All Test Claims Filed Through 2012-2013 in 2013-2014**

With the exception of the Stormwater NPDES claims, which are pending outcome of litigation, Commission staff plans to present the Commission with staff analyses for the 16 remaining test claims in the 2013-2014 fiscal year. Focusing on the test claims first will bring the Commission closer to meeting the statutory deadline for adopting SCEs. As soon as possible after these test claims are resolved, the Commission will adopt Ps&Gs and SCEs for those claims that are approved. It takes approximately 3-9 months after adoption of the test claim to adopt the Ps&Gs and approximately another 7-9 months to adopt the SCE. One way staff has been speeding up this part of the process is by encouraging claimants to make use of the Commission's expedited Ps&Gs, which reduces by at least half, the time needed to adopt Ps&Gs.

### **B. Complete all PGAs and MRs Filed Through 2012-2013 in 2013-2014**

As mentioned earlier in this report, the Commission generally prioritizes PGAs and MRs over IRCs because they affect a large number of agencies. Therefore, all PGAs and MRs currently pending are tentatively set for hearing in 2013-2014. Unless an item is expedited, these items are generally heard in the order filed, adjusting for workload considerations. However, if additional test claims are filed, the test claims will receive priority over these matters.

### **C. Continue to Support the State Controller's Office and Claimants in Settling Incorrect Reduction Claims and Strategic Selection of Claims for Hearing**

Government Code section 17553 directs the Commission to complete the mandate determination process from deciding a test claim to adoption of the SCE within 12 to 18 months. No such deadline exists for IRCs. Accordingly, Commission staff has historically prioritized test claims, Ps&Gs and SCEs over IRCs based on the specific legal requirement to have these matters decided within 12 to 18 months of a test claim filing.

The BSA 2009 Report, however, shed light on the negative impacts both to the state and to local governments and school districts posed by delays in deciding IRCs. In 2011, Commission staff redoubled its efforts to complete staff analyses for IRCs and to work with stakeholders to resolve IRCs. Commission staff will continue to work with the Controller and claimants to resolve these IRCs and has many IRCs tentatively scheduled for hearing in 2013-2014.

Commission staff is working to eliminate the pending IRCs by encouraging the informal resolution of these claims. Though this process may take significantly longer than anticipated in the Commission's prior backlog reduction plans, positive strides toward resolving these claims are being made. Specifically, staff has been focusing on the completion of IRCs with cross cutting issues and is actively encouraging and facilitating meetings between the claimants and the SCO to resolve the remaining claims. The Commission decided one IRC in 2009-2010, one IRC in 2010-2011, and eleven in 2011-2012. An additional 24 IRCs were informally resolved and withdrawn in 2011-2012 totaling 35 IRCs completed in that fiscal year. In 2012-2013 42 IRCs were withdrawn as a result of this strategic approach. Following the 2011 Commission decision on the single *Health Fee Elimination* IRC, Commission staff met with SCO staff and the claimants' representative to discuss how to proceed with the remaining *Health Fee Elimination* IRCs. Staff has consolidated an additional two of these IRCs and they are tentatively set for hearing on September 27, 2013. These two particular *Health Fee Elimination*

IRCs contain issues that are included in many of the remaining *Health Fee Elimination* IRCs. Completion of these two claims could spur resolution of many of the issues in the remaining claims, and could result in speedier resolution of the remaining *Health Fee Elimination* IRCs.

Similarly, Commission decisions on some single-issue IRCs may clarify the Commission's position on those issues so that claimants can evaluate and consider the merits of potential future claims prior to filing. Therefore, staff may strategically select some of these IRCs for hearing in the near future where the issue is likely to recur. Several IRCs are tentatively set for hearing in 2013-2014. However, if new test claims, PGAs or MRs are filed, those matters will be prioritized.

The Commission has many options for addressing IRCs. For example, it may be appropriate to consolidate IRCs filed by different claimants so that one analysis and statement of decision are adopted by the Commission as discussed earlier under V. Backlog Reduction Strategy. However, this only works if the issues are the same, and the Controller's auditors were consistent in making claim reductions, based on similar documentation. It is possible that once the Commission determines one IRC, other claims on the same program will be settled and withdrawn based on that decision. But, it may also be necessary for the Commission to adopt individual decisions on IRCs filed on the same program because documentation and the way reimbursement claims were filed may differ. Most IRCs involve issues of law and fact. Thus, the analysis of each IRC requires legal, analytical, and audit review.

#### **D. 2014-2015 and Beyond**

Pending the outcome of litigation, Commission staff expects to be fully immersed in Stormwater NPDES test claims throughout the 2014-2015 fiscal year and beyond. Assuming the Commission does not receive a spike in test claim filings or a reduction in staff, the entire currently pending backlog of test claims could be eliminated within about a year of the resolution of the litigation.

In the mean time, staff will turn its full attention to the resolution of the pending IRCs. If these IRCs are required to be analyzed and heard on an individual basis, the IRC caseload alone will take more than two full years to complete.

Commission staff intends this plan to be a living document that will be amended as all involved learn more about what approaches produce the best results. If Commission staff succeeds in meeting the targets set forth above, it will continue to employ the same strategies in fiscal year 2014-2015.

If the strategies discussed above prove to be effective, caseload does not substantially increase and staffing does not decrease, the IRC backlog could be eliminated in fiscal year 2015-2016.

### **VI. Conclusion**

Over the years, a significant backlog of test claims and IRCs has accumulated in the Commissions pending caseload. This plan represents Commission staff's approach to reducing and ultimately eliminating that backlog as quickly as possible. It is important to note, however, that this ambitious plan is only an *estimate* of what can be completed in the coming years based on what staff knows as of July 1, 2013. Many factors beyond the control of Commission staff could increase the time it takes to eliminate the backlog.

**EXHIBIT A**

**Commission on State Mandates  
6 Pending School District Test Claims**

July 1, 2013

	<b>TC#</b>	<b>FILED</b>	<b>DATE RECORD CLOSED<sup>39</sup></b>	<b>CLAIMANT</b>	<b>NAME OF CLAIM</b>	<b>TENTATIVE HEARING DATE</b>
1.	05-TC-02	8/15/05	3/3/06	San Diego USD	<i>Standardized Testing and Reporting II</i> , Ed Code §§ 60601, 60602, 60603, 60604, 60605, 60605.6, 60606, 60607, 60611, 60640 and 60641, Relating to Pupil Assessment; Stats 2004, Ch 233	9/27/2013
2.	05-TC-03	9/21/05	3/3/06	Grant Joint Union HSD	<i>Standardized Testing and Reporting II</i> , Ed Code Sections 60640, 60641, and 60642.5 ; Stats 2003, Ch 773 (AB 1485); California Code of Regulations, Title 5, Sections 850, 851, 852, 853, 855, 857, 858, 859, 861, 862, 863, 864.5, 865, 866, 867, 867.5, and 868	9/27/2013

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<sup>39</sup> This is the date that all comments have been submitted or parties have indicated they will not file comments, and the claim is ready for staff analysis.

3.	08-TC-06	6/25/09	7/6/09 (no comments filed)	Twin Rivers Unified School District	<b><i>Standardized Testing and Reporting, (STAR) III</i></b> , Education Code Sections 60640,60641, 60642.5, 60607, 60615, and 60630; Statutes 1995, Chapter 975 (AB 265); Statutes 1997, Chapter 828, Effective October 10, 1997 (SB 376); Statutes 1999, Chapter 735, Effective October 10,1999 (SB 366); Statutes 2000, Chapter 576 (AB 2812); Statutes 2001, Chapters 20, Effective June 15, 2001 (SB 245); 722 (SB 233); Statutes 2002, Chapter 1168, Effective September 30, 2002 (AB 1818); Statutes 2003, Chapter 773 (AB 1485); Statutes 2004, Chapters 23 (SB 1448); 183 (AB 3082), 233 (SB 1448); Statutes 2005, Chapter 676, Effective October 7, 2005 ; (SB 755); Statutes 2007, Chapters 174, Effective August 24, 2007, (SB 90); 730 (SB 132); Statutes 2008, Chapters 473 (SB 946); 757, Effective September 30, 2008 (AB 519);  California Code of Regulations, Title 5, Sections 850, 851, 852, 853, 855, 857, 858, 859, 861, 862, 863, 864.5, 865, 866, 867, 867.5, and 86, Effective 2005 and February 2007	9/27/2013
4.	10-TC-04	11/03/10	4/9/11 (no comments filed)	Los Angeles Unified School District	<b><i>Special Education Services for Adult Students in County Jail</i></b> , January 2010 Compliance Report from the California Department of Education; November 16, 2009 Decision of the California Office of Administrative Hearing in the Matter of Student v. Los Angeles Unified School District, Case No. 2009060442, California Education Code section 56041	12/6/2013
5.	10-TC-06	11/23/10	2/21/11 (no comments filed)	Twin Rivers Unified School District	<b><i>Race to the Top</i></b> , Education Code Sections 53100, 53101, 53200, 53201, 53201.5, 53202 and 53203, as added by Statutes 2009-2010, 5th Extraordinary Session, Chapter 2, Section 8 (SB5X 1), effective April 13, 2010;; Education Code Section 60601, Section 9 as added by Statutes 1995, Chapter 975, Section 1 (AB 265); Amended Statutes 1996, Chapter 69, Section 1 (SB 430), effective June 21, 1996, operative until January 1 2002; Statutes 2001, Chapter 722, Section 2 (SB 233); Statutes 2004, Chapter 233, Section 1 (SB 1448), repealed January 1, 2011; Statutes 2007, Chapter 174, Section 11 (SB 80), effective August 24, 2007, repealed January 1, 2012; Statutes 2009-2010, 5th Extraordinary Session, Chapter 2, Section 9 (SBX5 1), effective April 13, 2010, inoperative July 1, 2013,	12/6/2013



					<p>repealed January 1, 2014;</p> <p>Education Code Sections 48353, 48354, 48355, 48356, 48357, 48358, 48359, 48359.5, 48360 and 48361, as added by Statutes 2009-2010, 5th Extraordinary Session, Chapter 3, Section 1 (SBX5 4), effective April 13, 2010;</p> <p>Education Code Sections 53300, 53301 and 53303, as added by Statutes 2009-2010, 5th Extraordinary Session, Chapter 3, Section 2 (SBX5 4), effective April 13, 2010;</p> <p>California Code of Regulations, Title 5, Section 4702; new section filed as emergency and operative August 2, 2010 (Register 2010, No. 32). A Certificate of Compliance must be transmitted to OAL by January 31, 2011, or emergency language will be repealed by operation of law on the following day.</p>	
6.	11-TC-02	9/26/11	12/4/11 (no comments filed)	Twin Rivers Unified School District	<b><i>Immunization Records – Pertussis</i></b> , Health & Safety Code Sections 120325 and 120335; Statutes 2010, Chapter 434 (AB 354)	7/26/2013

**Commission on State Mandates**  
Pending Community College Test Claims\*  
July 1, 2013

	<b>TC#</b>	<b>FILED</b>	<b>RECORD CLOSED*</b>	<b>CLAIMANT</b>	<b>NAME OF CLAIM</b>	<b>TENTATIVE HEARING DATE</b>
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\*There are no pending community college test claims.

**Commission on State Mandates**  
**20 Pending Local Agency Test Claims**

July 1, 2013

	<b>TC #</b>	<b>FILED</b>	<b>DATE RECORD CLOSED</b> <small>40</small>	<b>CLAIMANT</b>	<b>NAME OF CLAIM</b>	<b>TENTATIVE HEARING DATE</b>
1.	05-TC-01	8/12/05	11/6/05	County of Los Angeles	<i>Accounting for Local Revenue Realignment</i> s, Health & Safety Code § 33681.1.2 ;Stats of 2004, Ch 211 (SB 1096) Stats 2004, Ch 610 (AB 2115); Health & Safety Code §§ 33681.13, 33681.14 (SB 1096); Health & Safety Code § 33681.15 (AB 2115); Revenue & Taxation Code §§ 96.81, 97.75, 97.76, 97.77 (SB 1096); Revenue & Taxation Code §§ 97.31, 98.02, (SB 1096); Revenue & Taxation Code § 97.68 Stats of 2003, Ch 162 (AB 1766) (SB 1096); Revenue & Taxation Code §§ 97.70, 97.71, 97.72, 97.73 (SB 1096) and AB 2115)	9/27/2013
2.	07-TC-05	12/13/07	2/22/08	County of Los Angeles	<i>Public Guardianship Omnibus Conservatorship Reform</i> , Probate Code Sections 1850, Subdivision (a);1851, Subdivision (a); 2113; 2250, Subdivisions (a), (b), (c); 2250.4; Subdivisions (a)-(d); 2352, Subdivisions (a)-(f); 2410; 2540, Subdivisions (a)-(b); 2543, Subdivisions (a)-(d); 2610, Subdivision (a); 2620, Subdivisions (a)-(e); 2620.2; Subdivisions (a)-(d); 2590; 2591, Subdivisions (a)-(q); 2591.5, Subdivisions (a)-(d); 2623, Subdivisions (a)-(b); 2640, Subdivisions (a)-(c); 2640.1, Subdivisions (a)-(c); 2641, Subdivisions (a)-(b); 2653, Subdivisions (a)-(c); 2920, Subdivisions (a)-(c); 2923; Statutes 2006; Chapter 490 (SB 1116); Statutes 2006, Chapter 492 (SB 1716); Statutes 2006, Chapter 493 (AB 1363)	9/27/2013

<sup>40</sup> This is the date that all comments have been submitted or parties have indicated they will not file comments, and the claim is ready for staff analysis.

3.	07-TC-12	6/30/08	8/22/09	County of Orange	<b>General Health Care Services for Inmates</b> , Penal Code, Section 4011.10, Statutes 2005, Chapter 481 (SB 159). Statutes 2006, Chapter 303 (SB 896)	7/26/2013
4.	08-TC-03	1/28/09	6/2/09	County of Los Angeles	<b>State Authorized Risk of Assessment Tool for Sex Offenders (SARATSO)</b> ; Statutes of 2006, Chapter 337 (SB 1128) amending Sections 290, 290.3, 290.46, 1203, 1203c, 1203.6, 1203.075, to add Sections 290.03, 290.04, 290.05, 290.06, 290.07, 290.08, 1203e, 1203f; Statutes of 2006, Chapter 886 (SB 1849), amending Sections, 290.46, 1202.8 and to repeal Sections 290.04, 290.05 and 290.06 of the Penal Code; Statutes of 2006, Chapter 336 (SB 1178) amending Sections 1202.8 and add Sections 290.04, 290.05 and 290.06 of the Penal Code; Statutes of 2007, Chapter 579 (SB 172) amending Sections 290.04, 290.05, 290.03 adding Sections 290.011, 290.012 and to repeal and add Section 290 to the Penal Code, relating to Sex Offenders and California Department of Mental Health's Executive Order, SARATSO (State Authorized Risk Assessment Tool for Sex Offenders) Review Committee Notification, issued February 1, 2008	9/27/2013
5.	08-TC-04	1/29/09	9/12/09	County of Alameda	<b>Medi-Cal Eligibility of Juvenile Offenders</b> ; Welfare and Institutions Code section 14029.5, Statutes 2006, Chapter 657 (SB 1469)	9/27/2013
6.	09-TC-02	6/30/10	9/15/10	County of Los Angeles	<b>Sheriff Court-Security Services</b> ; Government Code Section 69926 as amended by Statutes 2009, Chapter 22 (SB 13) and as added by Statutes 2002, Chapter 1010 (SB 1396); and Government Code Sections 69927(a)(6) as amended and renumbered by Statutes 2009, Chapter 22 (SB 13) and as added as 69927(a)(5) by Statutes 2002, Chapter 1010 (SB 1396); and Government Code Sections 69927(b) as amended by Statutes 2009, Chapter 22 (SB 13) and as added by Statutes 2002, Chapter 1010 (SB 1396); and Government Code Sections 69920, 69921, 69921.5, 69922, and 69925 added by Statutes 2002, Chapter 1010 (SB 1396); and, Government Code Section 77212.5 as added by Statutes 1998, Chapter 764 (AB 92) and repealed but replaced and modified by Statutes 2002, Chapter	9/27/2013

					1010 (SB 1396) under Government Code Section 69926; and, Rule 10.810 of the California Rules of Court Sections (a), (b), (c), (d) and Function 8 (Court Security). Rule 10.810 amended and renumbered effective January 1, 2007; adopted as Rule 810 effective July 1, 1988; previously amended effective July 1, 1989, July 1, 1990, July 1, 1991, and July 1, 1995. Subdivision (d) amended effective January 1, 2007 and previously amended and relettered effective July 1, 1995. Rule 10.810 identical to former Rule 810, except for the rule number. All references in statutes or rules to Rule 810 apply to this Rule.	
7.	09-TC-03	6/30/10	6/20/11	County of Orange, Orange County Flood Control District, & Cities of Anaheim, Brea, Buena park, Costa Mesa, Cypress, Fountain Valley, Fullerton, Huntington Beach, Irvine, Lake Forest, Newport Beach, Placentia, Seal Beach, Villa Park	<b><i>Santa Ana Regional Water Permit – Orange County</i></b> , California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2009-0030	To be set
8.	10-TC-01	10/11/10	9/16/11	City of Brisbane	<b><i>Municipal Regional Stormwater Permit – San Mateo County</i></b> , Municipal Regional Stormwater Permit Number CAS612008, issued by the Regional Water Quality Control Board, San Francisco Region as Order No. R2-2009-0074, October 14, 2009	To be set

9.	10-TC-02	10/13/10	9/16/11	City of Alameda	<b><i>Municipal Regional Stormwater Permit – Alameda County</i></b> , Municipal Regional Stormwater Permit Number CAS612008, issued by the Regional Water Quality Control Board, San Francisco Region as Order No. R2-2009-0074, October 14, 2009	To be set
10.	10-TC-03	10/14/10	9/16/11	County of Santa Clara	<b><i>Municipal Regional Stormwater Permit – Santa Clara County</i></b> , Municipal Regional Stormwater Permit Number CAS612008, issued by the Regional Water Quality Control Board, San Francisco Region as Order No. R2-2009-0074, October 14, 2009	To be set
11.	10-TC-05	11/30/10	9/16/11	City of San Jose	<b><i>Municipal Regional Stormwater Permit –Municipal Operations (C.2)- City of San Jose</i></b> , Municipal Regional Stormwater Permit Number CAS612008, issued by the Regional Water Quality Control Board, San Francisco Region as Order No. R2-2009-0074, October 14, 2009	To be set
12.	10-TC-07	1/31/11	Open	Riverside County Flood Control & Water Conservation District, the County of Riverside, and the Cities of Beaumont, Corona, Hemet, Lake Elsinore, Moreno Valley, Perris and San Jacinto	<b><i>Santa Ana Regional Water Permit – Riverside County</i></b> , California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2010-0033, effective January 29, 2010	Inactive Status Per Claimant Request
13.	10-TC-08	3/28/11	7/12/11	County of Santa Barbara	<b><i>Post Election Manual Tally (PEMT)</i></b> , Office of Administrative Law File No. 2008-2009-002E, effective October 20, 2008;	12/6/2013

					California Code of Regulations, Title 2, Division 7, Chapter 3, Post Election Manual Tallies Sections 20120, 20121, 20122, 20123, 20124, 20125, 20126 and 20127	
14.	10-TC-09	3/30/11	9/28/11	Santa Clarita Valley Sanitation District of Los Angeles	<b><i>Upper Santa Clara River Chloride Requirements</i></b> , Los Angeles Regional Water Quality Control Board Resolution No. R4-2008-012, Effective December 11, 2008	12/6/2013
15.	10-TC-10	6/30/11	Open	San Bernardino County Flood Control District, County of San Bernardino, Cities of Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Highland, Montclair, Ontario and Rancho Cucamonga	<b><i>Santa Ana Region Water Permit – San Bernardino County</i></b> , California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2010-0036, effective January 29, 2010	Inactive Status Per Claimant Request
16.	10-TC-11	6/30/11	Open	County of Orange, Orange County Flood Control District, Cities of Dana Point, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo and San Juan Capistrano	<b><i>San Diego Region Water Permit – Orange County</i></b> California Regional Water Quality Control Board, Santa Diego Region, Order No. R9-2009-0002, adopted December 16, 2009	To be set

17.	10-TC-12 (Consolidated with 12-TC-01)	6/30/11	Open	South Feather Water & Power Agency, Paradise Irrigation District, Richvale Irrigation District, and Biggs-West Gridley Water District	<b><i>Water Conservation</i></b>  <i>Agricultural Water Measurement</i> , 12-TC-01 California Code of Regulations, Title 23, Division 2, Chapter 5.1, Article 2, commencing with Section 597; Register 2012, No. 28. Consolidated with  <i>Water Conservation Act of 2009</i> , 10-TC-12 Water Conservation Act of 2009, S.B. x7-7, (Amend and repeal Section 10631.5 of, to add Part 2.55 [commencing with section 10608] to Division 6 of, and to repeal and add Part 2.8[commencing with section 10800] of division 6 of the Water Code).	January 2014
18.	11-TC-01	8/26/11	Open	County of Ventura and Ventura County Watershed Protection District	<b><i>Los Angeles Region Water Permit – Ventura County</i></b> California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2010-0108, NPDES Permit No. CAS00-4002, Adopted July 8, 2010	Inactive Status Per Claimant Request
19.	11-TC-03	11/10/11	Open	County of Riverside, Riverside County Flood Control & Water Conservation District and the Cities of Murrieta, Temecula and Wildomar	<b><i>San Diego Region Water Permit – Riverside County,</i></b> California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016, NPDES No. CAS 0108766, Adopted November 10, 2010	Inactive Status Per Claimant Request
20.	10-TC-12 (Consolidated with 12-TC-01)	2/28/13	Open	Richvale Irrigation District and Biggs- West Gridley Water District	<b><i>Water Conservation</i></b>  <i>Agricultural Water Measurement</i> , 12-TC-01 California Code of Regulations, Title 23, Division 2, Chapter 5.1, Article 2, commencing with Section 597; Register 2012, No. 28.	January 2014



					<p>Consolidated with <i>Water Conservation Act of 2009</i>, 10-TC-12 Water Conservation Act of 2009, S.B. x7-7, (Amend and repeal Section 10631.5 of, to add Part 2.55 [commencing with section 10608] to Division 6 of, and to repeal and add Part 2.8[commencing with section 10800] of division 6 of the Water Code).</p>	
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**EXHIBIT B**

**Commission on State Mandates**

4 Pending Parameters and Guidelines Determinations

July 1, 2013

	<b>FILE NUMBER</b>	<b>ORIGINAL FILING DATE</b>	<b>DATE SOD ADOPTED</b>	<b>PS&amp;GS RECORD CLOSE DATE<sup>41</sup></b>	<b>CLAIMANT</b>	<b>A. NAME OF TEST CLAIM</b>	<b>TENTATIVE HEARING DATE</b>
1.	00-TC-22	6/29/01	12/6/07	5/1/10	County of Los Angeles	<b><i>Interagency Child Abuse and Neglect {ICAN} Investigation Reports</i></b> , Pen. Code §§ 11165.9, 11166, 11166.2, 11166.9, 11168 (formerly 11161.7), 11169, 11170, Stats. 1977, ch. 958, Stats. 1980, ch. 1071, Stats. 1981, ch. 435, Stats. 1982, ch.s162 and 905, Stats. 1984, ch. 1423 and 1613, Stats. 1985, ch. 1598, Stats. 1986, ch. 1289 and 1496, Stats. 1987, ch. 82, 531 and 1459, Stats. 1988, ch. 269, 1497 and 1580, Stats. 1989, ch. 153, Stats. 1990, ch. 650, 1330, 1363 and 1603, Stats. 1992, ch. 163, 459 and 1338, Stats. 1993, ch. 219 and 510, Stats. 1996, ch. 1080 and 1081, Stats. 1997, ch. 842, 843 and 844, Stats. 1999, ch. 475 and 1012, and Stats. 2000, ch. 916; and executive orders California Code of Regulations, title 11, section 903, and “Child Abuse Investigation Report” Form SS 8583	9/27/2013 (RRM)
2.	03-TC-09	09/25/03	4/19/13		San Diego COE	<b><i>Teacher Credentialing</i></b> , Ed Code §§ 44225,	7/26/2013

<sup>41</sup> This is the date that all comments have been submitted or parties have indicated they will not file comments, and the Ps&Gs are ready for staff analysis.

						44225.7, 44300, 44301, 44326, 44327, 44332, 44830, 44830.3, 44842, 44885.5, 44901, and 45037, Stats 1975, Ch 228; Stats 1981, Ch 1136; Stats 1982, Chs 206, 436, 471, and 1388; Stats 1983, Chs 498, 536, 1038, and 1302; Stats 1984, Ch 482; Stats 1985, Ch 747; Stats 1986, Ch 989; Stats 1987, Ch 1468; Stats 1988, Ch 1355; Stats 1989, Ch 375; Stats 1991, Ch 590; Stats 1992, Ch 1050; Stats 1993, Ch 378; Stats 1994, Chs 673 and 922; Stats 1996, Chs 303 and 948; Stats 1997, Ch 934; Stats 1998, Chs 533 and 547; Stats 1999, Chs 281 and 381; Stats 2001, Ch 585; Stats 2002, Chs 1069 and 1087; and CCR, Title 5, §§ 80005, 80016, 80020.4.1, 80023.1, 80023.2, 80025, 80025.1, 80025.5, 80026, 80026.1, 80026.5, 80026.6, 80027, 80035, 80035.5, 80036, 80036.1, 80036.3, 80037, 80037.5, 80038, 80040, 80043, 80045, 80047.2, 80047.4, 80048.2, 80048.3, 80048.3.1, 80048.4, 80054, 80055.1, 80055.2, 80058.2, 80070.2, 80070.3, 80070.4, 80070.6, 80071.4, 80413.3, 80435, 80441, 80466, 80556, 80556.1, and 80601	
3.	03-TC-18	9/29/03	12/1/11	3/19/12	City of Newport Beach	<b><i>Peace Officers Procedural Bill of Rights II</i></b> , Stats 1976, Ch 465; Stats 1994, Ch 1259; Stats 1997, Ch 148; Stats 1998, Chs 786, 263, and 112; Stats 1999, Ch 338; Stats 2000, Ch 209; and Stats 2002, Chs 1156 and 170	January 2014
4.	07-TC-09	6/30/08	3/26/10	11/16/10	County of San Diego	<b><i>Discharge of Stormwater Runoff</i></b> , California Regional Water Quality Control Board, San Diego Region, Order No. R9-2007-001, (NPDES No. CAS0108758); Waste Discharge Requirements for Discharges of Urban Runoff From the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, the San Diego Unified Port District, and the	No hearing date pending court action

						San Diego County Regional Airport Authority, adopted on January 24, 2007	
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**EXHIBIT C**  
**COMMISSION ON STATE MANDATES**  
12 Pending Statewide Cost Estimate Determinations  
July 1, 2013

	<b>File Number</b>	<b>Original Filing Date</b>	<b>Date SOD Adopted</b>	<b>Date Ps&amp;Gs Adopted</b>	<b>Date Claims Due at SCO</b>	<b>Claimant</b>	<b>B. Name of Test Claim</b>	<b>Tentative Hearing Date</b>
1.	4464	9/28/94	9/28/00	4/19/13	RRM	Butte County Office of Education,  San Diego Unified School District,  San Joaquin County Office of Education	<b><i>Behavioral Intervention Plans</i></b> , Ed. Code § 56523; Stats. 1990, Ch. 959; Tit. 5, CCR, §§ 3001 and 3052	7/26/13
2.	02-TC-10 and 02-TC-51	10/15/02  and 6/26/03	5/26/11	4/19/13	11/20/13	County of Los Angeles & Riverside Unified School District	<b><i>California Public Records Act</i></b> , Gov. Code, §§ 6253, 6253.1, 6253.9, 6254.3, and 6255, Stats. 2001, ch 355; Stats. 2000, ch 982; Stats 1992, ch 463,	May 2014
3.	02-TC-25 and 02-TC-31	6/5/03  and 6/23/03	5/26/11	4/19/13	11/20/13	Los Rios & Santa Monica CCDs	<b><i>Minimum Conditions for State Aid</i></b> , Education Code Sections 66721, et al.	Jan 2014

4.	02-TC-35	6/24/03	5/25/12	9/28/12	5/3/13	Clovis Unified School District and Santa Monica Community College District	<b>Public Contracts (K-14)</b> Public Contract Code §§ 2000, 2001, 3300, 6610, 7104, 7101, 7109, 9203, 10299, 12109, 20100, 20101, 20102, 20103.5, 20103.6, 20103.8, 20104, 20104.2, 20104.4, 20104.6, 20104.50, 20107, 20110, 20111, 20111.5, 20116, 20650, 20651, 20651.5, 20657, 20659, 22300; Bus.& Prof. Code § 7028.15; and CCR, Title 5, §§ 59500, 59504, 59505, 59506, and 59509. Stats 1976, Ch 921; Stats 1977, Chs 36 and 631; Stats 1980, Ch 1255; Stats 1981, Chs 194 and 470; Stats 1982, Chs 251, 465, and 513; Stats 1983, Ch 256; Stats 1984, Chs 173, 728, and 758; Stats 1985, Ch 1073; Stats 1986, Chs 886 and 1060; Stats 1987, Ch 102; Stats 1988, Chs 538 and 1408; Stats 1989, Chs 330, 869, and 1163; Stats 1990, Chs 321, 694, 808, and 1414; Stats 1991, Chs 785 and 933; Stats 1992, Chs 294, 799, and 1042; Stats 1993, Chs 1032 and 1195; Stats 1994, Ch 726; Stats 1995, Ch 504, and 897; Stats 1997, Chs 390 and 722; Stats 1998, Chs 657 and 857; Stats 1999, Ch 972; Stats 2000, Chs 126, 127, 159, 292, and 776; and Stats 2002, Ch 455	7/26/2013
5.	02-TC-46	6/27/03	3/24/11	9/28/12	5/3/13	Santa Monica CCD	<b>Discrimination Complaint Procedures</b> , Government Code Sections 11135, 11136, 11137, 11137, 11138, and 11139 as added and amended by Stats. 1977, Chapter 972, Stats. 1992, Chapter 913; Stats. 1994, Chapter 146; Stats. 1999, Chapter 591; Stats. 2001, Chapter 708; and Stats. 2002, Chapters 300 and 1102; and California Code of Regulations, Title 5, Sections 59300, 59303, 59304, 59310, 59311, 59320, 59322, 59324, 59326, 59327, 59328, 59329, 59330, 59332, 59334, 59336, 59338, 59339, 59340, 59342, 59350, 59351, 59352, 59354, 59356, 59358,	7/26/2013

							59360 and 59362	
6.	03-TC-02	7/28/03	9/28/12	1/25/13	9/2013 est	Solano Beach SD	<b>Uniform Complaint Procedures (K-12)</b> , Ed Code §§ 200, 220, 231.5, 250, 251, 253, 260, 261, 262.3, and 262.4; and Gov. Code §§ 11135, 11136, 11137, 11138, and 11139; Stats. 1977, Ch 972; Stats. 1982, Ch 1117; Stats. 1988, Ch 1514; Stats. 1990, Ch 1372; Stats. 1992, Chs 417, 906, and 913; Stats. 1993, Ch 1123; Stats. 1994, Ch 146; Stats. 1998, Ch 914; Stats. 1999, Chs 587 and 591; Stats. 2001, Ch 708; Stats. 2002, Chs 300 and 1102; and Title 5, CCR §§ 4600, 4610, 4611, 4620, 4621, 4622, 4630, 4631, 4632, 4640, 4650, 4651, 4652, 4660, 4661, 4662, 4663, 4664, 4665 and 4670	12/6/2013
7.	03-TC-03	8/29/03	1/27/12	9/28/12	5/3/13	San Diego USD	<b>Charter Schools IV</b> , Ed Code §§ 1628, 42100, 47602, 47604.3, 47604.4, 47605, 47605.1, 47605.6, 47605.8, 47611.5, 47612.1, 47613.1, 47620, 47626, and 47652; Gov. Code § 3540.1, Stats 1999, Ch 828 and Stats 2002, Ch 1058	7/26/2013
8.	03-TC-04, 03-TC-19, 03-TC-20, 03-TC-21	9/5/03, Refiled 10/18/2007	7/31/09	3/24/11	9/28/11	County of Los Angeles, Cities of Artesia, Beverly Hills, Carson, Norwalk, Rancho Palos Verdes, Westlake Village, Azusa, Commerce, Vernon, Bellflower, Covina, Downey, Monterey Park, Signal	<b>Municipal Storm Water and Urban Runoff Discharges</b> , Los Angeles Regional Quality Control Board Order No. 01-182, Permit CAS004001, Part 4Fc3	To be set pending court action

						Hill		
9.	03-TC-14	9/29/03	12/7/12	12/7/12	7/11/13	County of Santa Clara	<b><i>Tuberculosis Control</i></b> , Health and Safety Code §§ 121361, 121362, 121363, 121364, 121365, 121366, 121367, 121368, and 121369, Stats 1993, Ch 676; Stats 1994, Ch 685; Stats 1997, Chs 116 and 294; and Stats 2002, Ch 763	9/27/2013
10.	03-TC-16	9/29/03	12/7/12	4/19/13	11/20/13	San Jose USD	<b><i>Parental Involvement Programs</i></b> , Ed Code §§ 11500, 11501, 11502, 11503, 11504, 11506, 49091.10, 49091.14, 51101, 51101.1, Stats 1990, Ch 1400; Stats 1998, Chs 864 and 1031; Stats 2001, Ch 749; and Stats 2002, Ch 1037	Jan 2014
11.	05-TC-04, 07-TC-06, 08-TC-01	9/21/05 12/14/07 7/7/08	12/7/12	4/19/13	11/20/13	San Diego County Office of Education and Sweetwater Union High School District	<b><i>Williams Case Implementation I, II, III</i></b> , Education Code sections 14501, 33126, 35186, 41020, and 42127.6, as Added or Amended by Statutes 2004, Chapter 900 (SB 550); Statutes 2004, Chapter 902 (AB 3001); Statutes 2004, Chapter 903 (AB 2727); Statutes 2005, Chapter 118 (AB 831); Statutes 2006, Chapter 704 (AB 607); and Statutes 2007, Chapter 526 (AB 347).	Jan 2014
12.	07-TC-04	10/23/07	5/25/12	9/28/12	5/3/13	City of Newport Beach and Union Sanitary District	<b><i>Local Agency Ethics (AB 1234)</i></b> Government Code Sections 25008 and 36514.5; Government Code Articles 2.3 and 2.4; Harbors and Navigation Code Sections 6060 and 7047; Health and Safety Code Sections 2030, 2851, 4733, 4733.5, 6489, 9031, 13857, 13866, and 32103; Military and Veterans Code Section 1197; Public Resources Code Sections 5536, 5536.5, 5784.15, and	7/26/2013



							9303; Public Utilities Code Sections 11908, 11908.1, 11908.2, 16002, and 22407; and Water Code Sections 20201, 21166, 30507, 30507.1, 34741, 40355, 50605, 55305, 56031, 60143, 70078, 71255, 74208, and 20201.5; Statutes 2005, Chapter 700 (AB 1234).	
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Commission on  
State Mandates

EXHIBIT D

July 1, 2013

87 Incorrect  
Reduction Claims

#	File Number	Filing Date	Claimant	Fiscal Year	Name	Type	Tentative Hearing Date
1	02-9635802-I-07	9/6/02	City of Oakland	1995 -1996, 1996-1997, 1997-1998	Investment Reports	Local	
2	02-9635802-I-10	9/6/02	City of San Bernardino	1995-1996, 1996-1997, 1997-1998	Investment Reports	Local	
3	02-9635802-I-12	9/6/02	City of Santa Clara	1995-1996, 1996-1997, 1997-1998	Investment Reports	Local	
4	02-9635802-I-14	9/6/02	County of Plumas	1995-1996, 1996-1997, 1997-1998	Investment Reports	Local	
5	02-9635802-I-18	9/17/02	County of Kern	1995-1996, 1997-1998	Investment Reports	Local	
6	02-9635802-I-20	9/19/02	City of Huntington Beach	1995-1996, 1996-1997	Investment Reports	Local	
7	02-9635802-I-22	9/19/02	City of Redding	1995-1996, 1996-1997	Investment Reports	Local	
8	02-9635802-I-25	9/19/02	City of Irvine	1995-1996, 1996-1997	Investment Reports	Local	
9	02-9635802-I-27	9/19/02	County of Marin	1995-1996, 1997-1998,	Investment Reports	Local	

10	02-9635802-I-29	9/19/02	County of Nevada	1995-1996, 1997-1998	Investment Reports	Local	
11	02-9635802-I-30	9/30/02	County of Riverside	1995-1996, 1997-1998	Investment Reports	Local	
12	02-9635802-I-34	10/11/02	City of Milpitas	1995-1996, 1996-1997	Investment Reports	Local	
13	02-9635802-I-52	10/16/02	City Of Walnut Creek	1995-1996, 1996-1997, 1998-1999	Investment Reports	Local	
14	02-9635802-I-53	10/16/02	City Of South Lake Tahoe	1995-1996, 1996-1997	Investment Reports	Local	
15	02-9635802-I-58	10/16/02	City Of Concord	1995-1996, 1996-1997	Investment Reports	Local	
16	02-9635802-I-62	10/16/02	City Of Lathrop	1995-1996, 1996-1997	Investment Reports	Local	
17	02-9635802-I-67	10/16/02	City Of Stockton	1995-1996, 1996-1997, 1998-1999	Investment Reports	Local	
18	02-9635802-I-68	10/16/02	City Of Turlock	1995-1996, 1996-1997, 1998-1999	Investment Reports	Local	
19	02-9635802-I-73	10/17/02	City Of Santa Ana	1996-1997	Investment Reports	Local	
20	04-4241-I-01	4/13/05	San Diego Unified School District	2001-2002, 2002-2003	Emergency Procedures, Earthquake Procedures, and Disasters	School	March 2014
21	04-4257-I-367	5/16/05	County of Santa Clara	1998-1999, 1999-2000, 2000-2001	Open Meetings	Local	January 2014

22	04-904133-I-01 Consolidated with 07-904133-I-04	6/27/05	Sweetwater Union High School District	1999-2000, 2000- 2001, 2001-2002	Notification of Truancy	School	May 2014
23	05-4206-I-03	9/6/05	Long Beach Community College District	2001-2002, 2002- 2003	Health Fee Elimination	CCD	March 2014
24	05-4206-I-04 consolidated with 05-4206-I-08	9/6/05	San Mateo County Community College District	1999-2000, 2000- 2001, 2001-2002	Health Fee Elimination	CCD	9/27/2013
25	05-4206-I-05	9/6/05	State Center Community College District	1999-2000, 2000- 2001, 2001-2002	Health Fee Elimination	CCD	March 2014
26	05-4206-I-06	9/9/05	Los Rios Community College District	1997-1998, 1998- 1999, 1999-2000, 2000-2001, 2001- 2002	Health Fee Elimination	CCD	July 2014
27	05-4206-I-07	9/9/05	Glendale Community College District	2000-2001, 2001- 2002	Health Fee Elimination	CCD	July 2014
28	05-4206-I-08 consolidated with 05-4206-I-04	9/15/05	San Bernardino Community College District	2001-2002, 2002- 2003	Health Fee Elimination	CCD	09/27/2013
29	05-4206-I-09	9/15/05	North Orange County Community College District	2001-2002, 2002- 2003	Health Fee Elimination	CCD	July 2014

30	05-4206-I-10	9/15/05	Foothill-De Anza Community College District	1999-2000, 2000-2001, 2001-2002	Health Fee Elimination	CCD	July 2014
31	05-4206-I-11	3/27/06	El Camino Community College District	2000-2001, 2001-2002, 2002-2003	Health Fee Elimination	CCD	July 2014
32	05-4206-I-12	6/16/06	Santa Monica Community College District	2001-2002, 2002-2003	Health Fee Elimination	CCD	July 2014
33	05-4241-I-06	11/10/05	Poway Unified School District	2000-2001, 2001-2002, 2002-2003	Emergency Procedures, Earthquake Procedures, and Disasters	School	March 2014
34	05-4282-I-03	5/25/06	County of San Mateo	1996-1997, 1997-1998, 1998-1999	Handicapped and Disabled Students	Local	
35	05-4425-I-09	9/6/05	San Mateo County Community College District	1999-2000, 2000-2001, 2001-2002	Collective Bargaining	CCD	September 2014
36	05-4425-I-10	9/19/05	Foothill-De Anza Community College District	1999-2000, 2000-2001, 2001-2002	Collective Bargaining	CCD	September 2014
37	05-4425-I-11	12/19/05	Gavilan Joint Community College District	1995-1996	Collective Bargaining	CCD	September 2014

38	05-4435-I-50 Consolidated with 08-4435-I-52	9/6/05	Clovis Unified School District	1998-1999, 1999- 2000, 2000-2001, 2001-2002	Graduation Requirements	School	May 2014
39	05-4452-I-01	6/26/06	San Diego Unified School District	2001-2002, 2002- 2003	Notification to Teachers: Pupils Subject to Suspension or Expulsion	School	March 2014
40	05-4485-I-03	9/9/05	Los Rios Community College District	1999-2000, 2000- 2001	Mandate Reimbursement Process	CCD	May 2014
41	05-904133-I-02	12/12/05	Los Angeles Unified School District	1998-1999, 1999- 2000, 2000-2001	Notification of Truancy	School	
42	05-904133-I-03 Consolidated with 08-904133-I-06 & 10-904133-I- 08	6/16/06	Riverside Unified School District	1999-2000, 2000- 2001, 2001-2002	Notification of Truancy	School	
43	06-4206-I-13	7/3/06	Pasadena Area Community College District	1999-2000, 2000- 2001, 2001-2002	Health Fee Elimination	CCD	
44	07-3713-I-02	7/25/07	Santa Clara County	2000-2001, 2001- 2002, 2002-2003	Absentee Ballots	Local	
45	07-4206-I-14	8/14/07	Pasadena Area Community College District	2002-2003, 2003- 2004	Health Fee Elimination	CCD	

46	07-4206-I-15	10/2/07	Rancho Santiago Community College District	2000-2001, 2001-2002, and 2002-2003	Health Fee Elimination	CCD	
47	07-4206-I-16	10/11/07	Sierra Joint Community College District	2001-2002, 2002-2003, and 2003-2004	Health Fee Elimination	CCD	
48	07-4509-I-02	7/25/07	Santa Clara County	1998-1999, 1999-2000, 2000-2001	Sexually Violent Predators	Local	
49	07-904133-I-04 Consolidated with 04-904133-I-01	10/5/07	Sweetwater Union High School District	1999-2000, 2000-2001, and 2001-2002	Notification of Truancy	School	May 2014
50	07-9628101-I-01	8/15/07	County of Santa Clara	1998-1999, 1999-2000, 2000-2001	Domestic Violence Treatment Services	Local	
51	07-904133-I-05 Consolidated with 10-904133-I-07	12/18/07	San Juan Unified School District	1999-2000; 2000-2001; 2001-2002	Notification of Truancy	School	
52	08-4206-I-17	2/5/09	Santa Monica Community College District	2003-2004; 2004-2005; 2005-2006	Health Fee Elimination	CCD	
53	08-4206-I-18	2/5/09	Los Rios Community College District	2002-2003; 2003-2004; 2004-2005	Health Fee Elimination	CCD	

54	08-4237-I-02	1/28/09	County of Santa Clara	1999-2000; 2000-2001; 2001-2002	Child Abduction and Recovery Program	Local	
55	08-4425-I-15	7/22/08	Contra Costa Community College District	2001-2002; 2002-2003; 2003-2004	Collective Bargaining	CCD	September 2014
56	08-4425-I-16	2/5/09	Los Rios Community College District	2001-2002; 2002-2003; 2003-2004	Collective Bargaining	CCD	September 2014
57	08-4435-I-52 Consolidated with 05-4435-I-50	8/4/08	Clovis Unified School District	1998-1999, 1999-2000, 2000-2001, 2001-2002	Graduation Requirements	School	May 2014
58	08-904133-I-06 Consolidated with 05-904133-I-03 & 10-904133-I-08	8/26/08	Riverside Unified School District	1999-2000, 2000-2001, 2001-2002	Notification of Truancy	School	
59	08-9723-I-01	5/21/09	Sweet water Union High School District	2004-2005 and 2005-2006	National Norm-Referenced Achievement Test (NNRAT)	School	
60	09-4081-I-01	1/14/10	City of Los Angeles	2003-2004	Firefighter's Cancer Presumption	Local	
61	09-4206-I-21 Consolidated with 10-4206-I-36	9/25/09	Kern Community College District	2003-2004, 2004-2005, 2005-2006, 2006-2007	Health Fee Elimination	CCD	



62	09-4206-I-22	9/25/09	Long Beach Community College District	2003-2004, 2004-2005, 2005-2006	Health Fee Elimination	CCD	
63	09-4206-I-24	10/5/09	Foothill-De Anza Community College District	2002-2003, 2003-2004, 2004-2005, 2005-2006	Health Fee Elimination	CCD	
64	09-4206-I-25	10/5/09	Yosemite Community College District	2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007	Health Fee Elimination	CCD	
65	09-4206-I-29	6/15/10	San Diego Community College District	2003-2004, 2004-2005, 2005-2006, 2006-2007	Health Fee Elimination	CCD	
66	09-4425-I-17	8/4/09	Sierra Joint Community College District	2002-2003, 2003-2004, 2004-2005, 2005-2006	Collective Bargaining	CCD	September 2014
67	10-4206-I-31	7/16/10	San Bernardino Community College District	2003-2004; 2004-2005; 2005-2006; 2006-2007	Health Fee Elimination	CCD	
68	10-4206-I-32	9/1/10	State Center Community College District	2002-2003, 2003-2004, 2005-2006, 2006-2007	Health Fee Elimination	CCD	
69	10-4206-I-33	10/26/10	El Camino Community College District	2003-2004, 2004-2005, 2005-2006, 2006-2007	Health Fee Elimination	CCD	
70	10-4206-I-34	11/22/10	Foothill-De Anza Community	2002-2003, 2003-2004, 2004-2005	Health Fee Elimination	CCD	

			College District				
71	10-4206-I-35	11/29/10	San Mateo County Community College District	2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007	Health Fee Elimination	CCD	
72	10-4206-I-36 Consolidated with 09-4206-I-21	12/9/10	Kern Community College District	2003-2004, 2004-2005, 2005-2006, 2006-2007	Health Fee Elimination	CCD	
73	10-4425-I-18	2/4/11	Sierra Joint Community College District	2002-2003	Collective Bargaining	CCD	September 2014
74	10-4499-I-01	9/16/10	County of Santa Clara	2003-2004, 2004-2005, 2005-2006	Peace Officers Bill of Rights (POBOR)	Local	
75	10-904133-I-07 Consolidated with 07-904133-I-05	7/16/10	San Juan Unified School District	1999-2000; 2000-2001; 2001-2002	Notification of Truancy	School	
76	10-904133-I-08 Consolidated with 05-904133-I-03 & 08-904133-I-06	9/13/10	Riverside Unified School District	2000-2001, 2001-2002	Notification of Truancy	School	
77	10-904133-I-09	10/6/10	San Juan Unified School District	2002-2003, 2003-2004, 2004-2005, 2005-2006	Notification of Truancy	School	
78	10-904133-I-10	11/1/10	Riverside Unified School	2003-2004, 2004-2005, 2005-2006,	Notification of	School	

			District	2006-2007	Truancy		
79	10-9705-I-01	11/10/10	County of San Diego	2001-2002, 2002-2003, 2003-2004, 2004-2005	Seriously Emotionally Distrubed Pupils (SEDS): Out-of-State Mental Health Services	Local	
80	11-4451-I-05	7/29/11	Chula Vista Elementary School District	1997-1998	School District of Choice: Transfers and Appeals	School	
81	11-9705-I-02	11/9/11	County of Orange	2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2006	Seriously Emotionally Distrubed Pupils (SEDS): Out-of-State Mental Health Services	Local	
82	11-9811-I-01	3/8/12	City of Hayward	1998-1999, 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2005-2006, 2006-2007, 2007-2008	Animal Adoption	Local	
83	12-4499-I-02	9/28/12	City of Los Angeles	2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008	Peace Officers Bill of Rights (POBOR)	Local	

84	12-4237-I-03	11/29/12	County of Santa Clara	2003-2004, 2004-2005, 2005-2006, 2006-2007	Child Abduction and Recovery Program	Local	
85	12-9705-I-03	3/8/13	County of Orange	2006-2007, 2007-2008, and 2008-2009	Handicapped and Disabled Students; Handicapped and Disabled Students II; and Seriously Emotionally Disturbed (SED) Pupils: Out-of-State Mental Health Services	Local	
86	12-9705-I-04	5/7/13	County of Los Angeles	2003-2004, 2004-2005, 2005-2006	Seriously Emotionally Disturbed (SED) Pupils: Out-of-State Mental Health Services	Local	
87	12-0240-I-01	6/11/13	County of Los Angeles	2002-2003, 2003-2004	Handicapped and Disabled Students II	Local	

**EXHIBIT E**

**Commission on State Mandates**

12 Pending Parameters and Guidelines Amendments

July 1, 2013

	<b>Claim Number</b>	<b>Date Filed</b>	<b>Requestor</b>	<b>Program</b>	<b>Tentative Hearing Date</b>
1.	01-PGA-06 (CSM-4487)	4/29/02	Clovis Unified School District	<i>Habitual Truants</i>	7/26/2013 (RRM)
2.	08-PGA-02 (99-TC-13 & 00-TC-15)	5/22/09	Los Rios, Cerritos, Citrus, El Camino, Gavilan, Kern, Long Beach, Mt. San Jacinto, Palomar, Pasadena Area, San Bernardino, Santa Monica, State Center, Sierra Joint, Victor Valley, West Kern, and Yosemite Community College Districts	<i>Enrollment Fee Collection and Waivers</i>	January 2014 (RRM)
3.	09-PGA-01 (CSM-4487)	1/19/10	San Jose Unified School District	<i>Habitual Truants</i>	7/26/2013 (RRM)
4.	10-PGA-05 (02-TC-04, 02-	6/30/11	CSAC	<i>Crime Statistic Reports for the Department of Justice</i>	January 2014 (RRM)

	TC-11, 07-TC-10)				
5.	10-PGA-06 (CSM-4499)	6/30/11	CSAC	<i>Peace Officer Procedural Bill of Rights</i>	March 2014 (RRM)
6.	11-PGA-01 (05-PGA-56, 07-PGA-01, CSM-4133)	7/1/11	State Controller's Office	<i>Notification of Truancy</i>	March 2014
7.	11-PGA-03 (CSM-4435)	7/25/11	Department of Finance	<i>Graduation Requirements</i>	Inactive Status
8.	11-PGA-09 (CSM-4499, 05-RL-4499-01, 06-PGA-06)	3/29/12	County of Los Angeles	<i>Peace Officers Procedural Bill of Rights (POBOR)</i>	March 2014 (RRM)
9.	11-PGA-10 (01-TC-29)	4/27/12	CSAC	<i>Domestic Violence Background Checks</i>	March 2014 (RRM)
10.	11-PGA-11 (03-TC-08)	4/27/12	CSAC	<i>Identity Theft</i>	May 2014 (RRM)
11.	12-PGA-01 (02-TC-04 and 02-TC-11, 07-TC-10)	10/1/12	State Controller's Office	<i>Crime Statistics Reports for the Department of Justice</i>	7/26/2013
12.	12-PGA-02	3/15/13	Department of Finance	<i>Filipino Employee Survey, (CSM-2142) Government Code Section 50087</i>	July 2014

				Statutes 1978, Chapter 845 as repealed by Statutes 2012, Chapter 32 (SB 1006)	
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**EXHIBIT F**

**Commission on State Mandates**

2 Requests to Adopt a New Test Claim Decision  
Mandate Redetermination

July 1, 2013

	<b>MR #</b>	<b>FILED</b>	<b>REQUESTER</b>	<b>NAME OF REQUEST</b>	<b>TENTATIVE HEARING DATE</b>
1.	12-MR-01	01/15/13	Department of Finance	<i>Sexually Violent Predators, (CSM-4509)</i> Welfare and Institutions Code Sections 6601 through 6608 Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4	First Hearing 7/26/2013  Second Hearing 9/27/2013
2.	12-MR-02	5/20/13	Department of Finance	<i>Local Recreational Areas: Background Screenings, (01-TC-11)</i> Public Resources Code Section 5164(b)(1), (b)(2), and (b)(3) Statutes 2001, Chapter 777 (AB 351); Statutes 2010, Chapter 719, (SB 856)	First Hearing March 2014  Second Hearing May 2014